

SENATE BILL 395

Unofficial Copy  
R6

2004 Regular Session  
4r1851  
CF 4r1814

---

By: **Senators Jimeno, Brinkley, Colburn, Giannetti, Hafer, Haines, Jacobs, Mooney, and Stone**

Introduced and read first time: February 5, 2004

Assigned to: Judicial Proceedings

---

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2004

---

CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Trailers and Semitrailers - Surge Brakes**

3 FOR the purpose of exempting certain vehicles from certain brake requirements;  
4 authorizing a certain trailer or semitrailer to be equipped with surge brakes if  
5 the trailer or semitrailer meets certain requirements relating to weight, design,  
6 and use; requiring the Secretary of Transportation to adopt certain regulations  
7 to be effective by a certain date; defining a certain term; providing for the  
8 effective dates of this Act; and generally relating to the use of surge brakes on  
9 certain trailers and semitrailers under certain circumstances.

10 BY repealing and reenacting, without amendments,  
11 Article - Transportation  
12 Section 11-158 and 11-169  
13 Annotated Code of Maryland  
14 (2002 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Transportation  
17 Section 22-301  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Transportation**

2 11-158.

3 (a) "Semitrailer" means, except as provided in subsection (b) of this section, a  
4 vehicle that:

5 (1) Has no motive power;

6 (2) Is designed to carry people or property and to be towed by a motor  
7 vehicle; and

8 (3) Is constructed so that some of its weight and load rests on or is  
9 carried by another vehicle.

10 (b) "Semitrailer" does not include a pole trailer.

11 11-169.

12 (a) "Trailer" means, except as provided in subsection (b) of this section, a  
13 vehicle that:

14 (1) Has no motive power;

15 (2) Is designed to carry people or property and to be towed by a motor  
16 vehicle; and

17 (3) Is constructed so that no part of its weight rests on the towing  
18 vehicle.

19 (b) "Trailer" does not include a pole trailer.

20 22-301.

21 (a) "Driveaway or towaway operation" means any operation in which any  
22 motor vehicle, trailer, or semitrailer, singly or in combination, new or used, is the  
23 commodity being transported, when one set or more of wheels of the vehicle are on the  
24 roadway during the transportation, whether or not the vehicle furnishes the motive  
25 power.

26 (b) Every motor vehicle, trailer, semitrailer, and pole trailer, and any  
27 combination of these vehicles, while operating on a highway in this State, shall be  
28 equipped with brakes in compliance with the requirements of this title. All the  
29 vehicles and combinations of vehicles shall be equipped with service brakes complying  
30 with the performance requirements of § 22-302 of this subtitle and, EXCEPT AS  
31 PROVIDED IN SUBSECTION (L) OF THIS SECTION, adequate to control the movement of  
32 and to stop and hold the vehicle under all conditions of loading, and on any grade  
33 incident to its operation.

34 (c) (1) All the vehicles and combinations of vehicles, except motorcycles,  
35 shall be equipped with parking brakes adequate to hold the vehicle on any grade on

1 which it is operated, under all conditions of loading, on a surface free from snow, ice,  
2 or loose material.

3           (2)       The parking brakes shall be capable of being applied in conformance  
4 with the foregoing requirements by the driver's muscular effort or by spring action or  
5 by equivalent means. Their operation may be assisted by the service brakes or other  
6 source of power, provided that failure of the service brake actuation system or other  
7 power assisting mechanism will not prevent the parking brakes from being applied in  
8 conformance with the foregoing requirements.

9           (3)       The parking brakes shall be so designed that when once applied they  
10 shall remain applied with the required effectiveness despite exhaustion of any source  
11 of energy or leakage of any kind.

12           (4)       The same brake drums, brake shoes and lining assemblies, brake  
13 shoe anchors and mechanical brake shoe actuation mechanism normally associated  
14 with the wheel brake assemblies may be used for both the service brakes and the  
15 parking brakes. If the means of applying the parking brakes and the service brakes  
16 are connected in any way, they shall be so constructed that failure of any one part  
17 does not leave the vehicle without operative brakes.

18       (d)       Every vehicle shall be equipped with brakes acting on all wheels, except:

19           (1)       Trailers, semitrailers, or pole trailers of a registered gross weight not  
20 exceeding 3,000 pounds, provided that:

21                   (i)       The total weight on and including the wheels of the trailer or  
22 trailers does not exceed 40 percent of the gross weight of the towing vehicle when  
23 connected to the trailer or trailers; and

24                   (ii)       The combination of vehicles, consisting of the towing vehicle  
25 and its total towed load, is capable of complying with the performance requirements  
26 of § 22-302 of this subtitle;

27           (2)       Trailers, semitrailers, or pole trailers of a registered gross weight  
28 exceeding 3,000 pounds and not exceeding 10,000 pounds that:

29                   (i)       Have 2 or more axles;

30                   (ii)       Are equipped with brakes acting on all wheels of at least 1 axle;  
31 and

32                   (iii)       As part of a combination of vehicles, consisting of the towing  
33 vehicle and the total load, is capable of complying with the performance requirements  
34 of § 22-302 of this subtitle;

35           (3)       Any vehicle being towed in driveaway or towaway operations,  
36 provided that the combination of vehicles is capable of complying with the  
37 performance requirements of § 22-302 of this subtitle;

1 (4) Trucks, truck tractors, and special mobile equipment manufactured  
2 before July 24, 1980 with three or more axles need not have brakes on the front  
3 wheels. However, the trucks and truck tractors must be capable of complying with the  
4 performance requirements of § 22-302 of this subtitle;

5 (5) The wheel of a sidecar attached to a motorcycle or to a motor-driven  
6 cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes,  
7 provided that the motorcycle or motor-driven cycle is capable of complying with the  
8 performance requirements of § 22-302 of this subtitle; and

9 (6) Any vehicle equipped with at least 2 steerable axles need not have  
10 brakes on the wheels of 1 of the axles. However, the vehicle must be capable of  
11 complying with the performance requirements of § 22-302 of this subtitle.

12 (e) (1) Every trailer, semitrailer, and pole trailer equipped with air or  
13 vacuum actuated brakes, and every trailer, semitrailer, and pole trailer with a  
14 registered gross weight in excess of 10,000 pounds, manufactured or assembled after  
15 June 1, 1970, shall be equipped with brakes acting on all wheels and of a character to  
16 be applied automatically and promptly, and remain applied for at least 15 minutes on  
17 breakaway from the towing vehicle.

18 (2) Every trailer, semitrailer, and pole trailer with a registered gross  
19 weight of more than 3,000 pounds and not more than 10,000 pounds, manufactured or  
20 assembled after June 1, 1970, shall be equipped with brakes acting on all wheels of at  
21 least 1 axle and of a character to be applied automatically and promptly, and remain  
22 applied for at least 15 minutes on breakaway from the towing vehicle.

23 (f) Every motor vehicle manufactured or assembled after June 1, 1970, and  
24 used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be  
25 equipped with means for providing that, in case of breakaway of the towed vehicle,  
26 the towing vehicle will be capable of being stopped by the use of its service brakes.

27 (g) Air brake systems installed on trailers manufactured or assembled after  
28 June 1, 1970, shall be so designed that the supply reservoir used to provide air for the  
29 brakes is safeguarded against backflow of air from the reservoir through the supply  
30 line.

31 (h) (1) Air Brakes. After June 1, 1971, every towing vehicle, when used to  
32 tow another vehicle equipped with air controlled brakes, in other than driveaway or  
33 towaway operations, shall be equipped with two means for emergency application of  
34 the trailer brakes. One of these means shall apply the brakes automatically in the  
35 event of a reduction of the towing vehicle air supply to a fixed pressure, which shall be  
36 not lower than 20 pounds per square inch nor higher than 45 pounds per square inch.  
37 The other means shall be a manually controlled device for applying and releasing the  
38 brakes, readily operable by a person seated in the driving seat, and its emergency  
39 position or method of operation shall be clearly indicated. In no instance may the  
40 manual arrangement be arranged to permit its use to prevent operation of the  
41 automatic means. The automatic and the manual means required by this section may  
42 be, but are not required to be, separate.

1           (2)       Vacuum Brakes. After June 1, 1970, every towing vehicle used to tow  
2 other vehicles equipped with vacuum brakes, in operations other than driveaway or  
3 towaway operations, shall have, in addition to the single control device required by  
4 subsection (i) of this section, a second control device that can be used to operate the  
5 brakes on towed vehicles in emergencies. The second control shall be independent of  
6 brake air, hydraulic, and other pressure, and independent of other controls, unless the  
7 braking system is so arranged that failure of the pressure on which the second control  
8 depends will cause the towed vehicle brakes to be applied automatically. The second  
9 control is not required to provide modulated braking.

10       (i)       [After] EXCEPT AS PROVIDED IN SUBSECTION (L) OF THIS SECTION,  
11 AFTER June 1, 1971, every motor vehicle, trailer, semitrailer, and pole trailer, and  
12 every combination of these vehicles, except motorcycles, equipped with brakes shall  
13 have the braking system so arranged that one control device can be used to operate all  
14 service brakes. This requirement does not prohibit vehicles from being equipped with  
15 an additional control device to be used to operate brakes on the towed vehicles. This  
16 regulation does not apply to driveaway or towaway operations unless the brakes on  
17 the individual vehicles are designed to be operated by a single control on the towing  
18 vehicle, nor does it apply to the operation of electric trailer brakes.

19       (j)       (1)       Air Brakes. Every bus, truck, or truck tractor with air operated  
20 brakes shall be equipped with at least one reservoir sufficient to insure that, when  
21 fully charged to the maximum pressure as regulated by the air compressor governor  
22 cut-out setting, a full service brake application may be made without lowering the  
23 reservoir pressure by more than 20 percent. Each reservoir shall be provided with  
24 means for readily draining accumulated oil or water.

25       (2)       Vacuum Brakes. After June 1, 1971, every truck with three or more  
26 axles equipped with vacuum assist type brakes and every truck tractor and truck  
27 used for towing a vehicle equipped with vacuum brakes shall be equipped with a  
28 reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve  
29 capacity or reservoir fully charged and with the engine stopped, a full service brake  
30 application may be made without depleting the vacuum supply by more than 40  
31 percent.

32       (3)       Reservoir Safeguarded. All motor vehicles, trailers, semitrailers, and  
33 pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as  
34 required by this section, shall have reservoirs or reserve capacity so safeguarded by a  
35 check valve or equivalent device that, in the event of failure or leakage in its  
36 connection to the source of compressed air or vacuum, the stored air or vacuum is not  
37 depleted by the leak or failure.

38       (k)       (1)       Air Brakes. Every bus, truck, or truck tractor using compressed air  
39 for the operation of its own brakes or the brakes on any towed vehicle, shall be  
40 provided with a warning signal, other than a pressure gauge, readily audible or  
41 visible to the driver, which will operate at any time that the air reservoir pressure of  
42 the vehicle is below 50 percent of the air compressor governor cut-out pressure. In  
43 addition, the vehicle shall be equipped with a pressure gauge visible to the driver,  
44 which indicates in pounds per square inch the pressure available for braking.

1           (2)     Vacuum Brakes. After June 1, 1971, every truck tractor and truck  
2 used for towing a vehicle equipped with vacuum operated brakes and every truck with  
3 three or more axles using vacuum in the operation of its brakes, except those in  
4 driveaway or towaway operations, shall be equipped with a warning signal, other  
5 than a gauge indicating vacuum, readily audible or visible to the driver, which will  
6 operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is  
7 less than 8 inches of mercury.

8           (3)     Combination of Warning Devices. When a vehicle required to be  
9 equipped with a warning device is equipped with both air and vacuum power for the  
10 operation of its own brakes or the brakes on a towed vehicle, the warning devices may  
11 be, but are not required to be, combined into a single device that serves both purposes.  
12 A gauge or gauges indicating pressure or vacuum is not an adequate means of  
13 satisfying this requirement.

14     (L)     (1)     IN THIS SUBSECTION, "SURGE BRAKES" MEANS A BRAKING SYSTEM  
15 DESIGNED TO ACTIVATE THE BRAKES OF A VEHICLE BEING TOWED AS A RESULT OF  
16 THE FORWARD PRESSURE OF THE VEHICLE AGAINST THE TOWING VEHICLE DURING  
17 DECELERATION.

18           (2)     A TRAILER OR SEMITRAILER MAY BE EQUIPPED WITH SURGE  
19 BRAKES IF:

20                   (I)     THE TRAILER OR SEMITRAILER HAS A MANUFACTURER'S  
21 GROSS VEHICLE WEIGHT RATING, OR REGISTERED WEIGHT, WHICHEVER IS LESS, OF  
22 10,000 POUNDS OR LESS;

23                   (II)    THE COMBINED GROSS VEHICLE WEIGHT RATING, COMBINED  
24 REGISTERED WEIGHT, AND THE GROSS COMBINATION WEIGHT OF THE TRAILER OR  
25 SEMITRAILER AND THE TOWING VEHICLE IS 26,000 POUNDS OR LESS;

26                   (III)   THE VEHICLE OR COMBINATION OF VEHICLES IS NOT  
27 DESIGNED OR USED TO TRANSPORT 16 OR MORE PASSENGERS INCLUDING THE  
28 DRIVER OF THE TOWING VEHICLE;

29                   (IV)   THE ACTUAL GROSS WEIGHT OF THE TRAILER OR SEMITRAILER  
30 AND LOAD DOES NOT EXCEED THE MANUFACTURER'S GROSS VEHICLE WEIGHT  
31 RATING OR REGISTERED WEIGHT, WHICHEVER IS LESS;

32                   (V)     THE ACTUAL GROSS WEIGHT OF THE TOWING VEHICLE AND  
33 LOAD DOES NOT EXCEED THE MANUFACTURER'S GROSS VEHICLE WEIGHT RATING  
34 OR REGISTERED WEIGHT, WHICHEVER IS LESS;

35                   (VI)    THE TRAILER OR SEMITRAILER BRAKES ARE DESIGNED AND  
36 CONNECTED IN SUCH A MANNER THAT IN CASE OF ACCIDENTAL BREAKAWAY OF  
37 THE TOWED VEHICLE, THE BRAKES WILL APPLY AUTOMATICALLY;

38                   (VII)   THE VEHICLE OR COMBINATION OF VEHICLES IS NOT USED TO  
39 TRANSPORT HAZARDOUS MATERIALS OF A TYPE AND QUANTITY THAT REQUIRES  
40 PLACARDING;

1 (VIII) THE VEHICLE OR COMBINATION OF VEHICLES IS NOT USED TO  
2 TRANSPORT LIQUIDS OR GASES CONTAINED IN PACKAGING THAT EXCEEDS A  
3 CAPACITY OF 119 GALLONS;

4 (IX) THE TRAILER OR SEMITRAILER HAS A GROSS WEIGHT RATING,  
5 REGISTERED WEIGHT, OR GROSS WEIGHT, WHICHEVER IS GREATER, THAT IS NO  
6 MORE THAN ONE AND ONE-HALF TIMES THE GROSS WEIGHT RATING OR  
7 REGISTERED WEIGHT, WHICHEVER IS LESS, OF THE TOWING VEHICLE; AND

8 (X) FOR VEHICLES USED FOR COMMERCIAL PURPOSES, THE  
9 TRAILER OR SEMITRAILER IS USED ONLY IN INTRASTATE COMMERCE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of  
11 Transportation shall adopt regulations, to be effective beginning October 1, 2004,  
12 authorizing the use of surge brakes on trailers and semitrailers as authorized in this  
13 Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
15 take effect October 1, 2004.

16 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
17 Section 3 of this Act, this Act shall take effect June 1, 2004.